

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAVID M. LEVY and  
JOANN LEVY TRUST,

Plaintiffs,

v.

AMERICAN BANKERS INSURANCE  
COMPANY OF FLORIDA,

Defendant.

CIVIL ACTION NO.:

**COMPLAINT**

Plaintiffs, David M. Levy and Joann Levy Trust, by and through the attorney, file this Complaint against Defendant, American Bankers Insurance Company of Florida, as follows:

**INTRODUCTION**

1. This is an action by the Plaintiffs, homeowners, against their insurance carrier, American Bankers Insurance Company of Florida (“Defendant”), for benefits owed under the flood insurance policy, which have not been paid, as a result of Superstorm Sandy.

2. Plaintiffs purchased a flood insurance policy from Defendant, which participated with FEMA, and consequently issued the federal Standard Flood Insurance Policy (“SFIP”) to the Plaintiff.

3. The Defendant failed to pay the damages due and owing under the insurance policy.

**PARTIES**

4. Plaintiffs, David M. Levy and Joann Levy Trust (“Plaintiffs”), own the property at 15 Monmouth Terrace, Deal, NJ 07723-1007.

5. The Defendant is an insurance company authorized to do business in the State of New Jersey.

### **JURISDICTION**

6. This Court has jurisdiction of this action pursuant to the National Flood Insurance Act, specifically 42 U.S.C. § 4001, *et seq.*

### **COUNT ONE – BREACH OF CONTRACT**

7. Plaintiffs, at all relevant times, have been the owners of certain real property located at 15 Monmouth Terrace, Deal, NJ, 07723-1007.

8. Plaintiffs purchased a flood insurance policy, Policy Number AB00097553 (the “Policy”) from Defendant, which covered the property at issue in this matter.

9. All premiums on the Policy were paid, and the Policy was in full force and effect at all relevant times herein.

10. On or about October 22, 2012, Tropical Storm Sandy was formed south of Jamaica.

11. The storm moved on a Northerly track toward the United States and was upgraded to Superstorm Sandy on or about October 24, 2012.

12. In the days following October 24, 2012, it became clear that Superstorm Sandy was on track to strike New Jersey.

13. On or about October 29, 2012 and continuing into October 30, 2012, the New Jersey coast was ravaged by Superstorm Sandy.

14. Superstorm Sandy was a flood event, a covered risk under the Policy.

15. Plaintiffs’ property sustained catastrophic losses as a result of flood waters associated with Superstorm Sandy.

16. Following Superstorm Sandy, the Plaintiffs properly and promptly submitted an insurance claim to the Defendant for damage to the property caused by flood associated with Superstorm Sandy.

17. On or about September 18, 2013, Plaintiffs submitted a Proof of Loss to Defendant.

18. On or about April 22, 2014, Plaintiffs submitted a Supplemental Proof of Loss to Defendant.

19. The Defendant's estimate of damage was insufficient to correct the damage.

20. Defendant has paid some insurance proceeds to Plaintiffs, but the amounts paid are inadequate to cover the costs of repairs.

21. The Defendant has breached the terms of the Policy by failing and refusing to pay all amounts due to the Plaintiffs pursuant to the terms of the Policy.

22. The Plaintiffs have complied with all conditions precedent to the bringing of this action or, in the alternative, Defendant has waived same.

23. As a result of the Defendant's breach, the Plaintiffs have suffered damages, including the amounts to which she is legally entitled to recover under the terms of the subject Policy.

**WHEREFORE**, Plaintiffs, David M. Levy and Joann Levy Trust, hereby sue the Defendant, American Bankers Insurance Company of Florida, and request the following relief:

1. Entry of judgment in her favor for all amounts to which they are entitled under the terms of the subject Policy;
2. An award of the costs of this action; and
3. Such other and further relief as this Court deems just and appropriate.

**MERLIN LAW GROUP, P.A.**

Date: March 24, 2015

By: /s/William F. Merlin Jr.

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